

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STEPHAN MELISE,	:	
Plaintiff	:	
	:	
	:	
v.	:	C.A. No.: 1:17-cv-00490-MSM-PAS
	:	
	:	
COYNE-FAGUE, et al.	:	
Defendants	:	

MOTION TO EXTEND AND STAY ALL PRE-TRIAL DEADLINES

Plaintiff Stephan Melise hereby moves to amend the scheduling order by extending the factual discovery closure date until December 31, 2021 and to adjust all other discovery and pre-trial deadlines to conform with the same. Defendants RIDOC, Patricia Coyne-Fague, A.T. Wall, and Kerri McCaughey did not express any objections to this motion, although they would not agree to join in this motion. Defendants Fred Vohr and Jennifer Clarke did not consent to this motion. As grounds for this motion and in support thereof, Plaintiff avers as follows.

Plaintiff originally requested records related to bottom bunk orders required for the deposition of Nurse Practitioner Marianne Warren (“N.P. Warren”) in July of 2019, over two years ago. Defendants resisted providing these documents for over two years, necessitating this Court’s intervention on several occasions before proper documents were finally produced. Upon finally receiving these documents on September 21, 2021, which remain incomplete, Plaintiff quickly deposed N.P. Warren on September 29, 2021. During that deposition, N.P. Warren testified that not only did she fear retaliation including the loss of her job for testifying at the deposition, but that she had previously been retaliated against by prison officials for issues related to medical special needs accommodations. N.P. Warren further testified that she had spoken with Defendants Vohr and Clarke about issues with getting medical special needs orders approved by Defendant McCaughey. This contradicts interrogatory responses by both Defendants Vohr and Clarke who stated that they were not, or did not recall, being made aware

of any such issue. Further, Defendant Vohr, according to N.P. Warren's testimony, was involved in, and acquiesced to, the retaliation she suffered for issuing medical special needs accommodations.

In light of this new testimony, Plaintiff now seeks documents related to the retaliation visited upon N.P. Warren, among other relevant documents, and also to depose Defendant Clarke and Vohr about their knowledge of Defendant McCaughey's routine and illegal denial of medical special needs orders. Although Plaintiff repeatedly expressed a willingness and availability to conduct such depositions within the time remaining for factual discovery, each of the Defendants has expressed to Plaintiff their unavailability during that time frame. Plaintiff believes this request to extend all discovery deadlines to be reasonable under these circumstances and this type of motion would ordinarily require very little time on behalf of this Court. Unfortunately, Defendants' positions require this Court to address an unnecessarily contested motion.

For all the foregoing reasons, Plaintiff believes that the additional time requested is necessary to resolve the remaining discovery issues and conduct any additional factual discovery that may be necessary as a consequence thereof. As such, the Plaintiff respectfully requests that this motion be granted.

Plaintiff,
By his attorney,

Dated: October 1, 2021

/s/ Chloe A. Davis
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CERTIFICATION

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I hereby certify that on **October 1, 2021**, a true copy of the within was filed electronically via the Court's CM/ECF System. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system and the filing is available for viewing and downloading from the Court's CM/ECF System. Service on the counsel of record listed above has been effectuated by electronic means.

/s/ Chloe A. Davis